

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LUIS RAMIRO AVILES, et al.,

Plaintiffs,

-v-

S&P GLOBAL, INC., et al.,

Defendants.

17-CV-2987 (JPO) (KHP)

FERNANDO RAUL BENEDETTO, et
al.,

Plaintiffs,

-v-

ATC REALTY FIFTEEN, INC., et al.,

Defendants.

17-CV-6087 (JPO) (KHP)

HORACIO NESTOR ACEBEDO, et al.,

Plaintiffs,

-v-

ATC REALTY FIFTEEN, INC., et al.,

Defendants.

17-CV-7034 (JPO) (KHP)

FREDERICO ALVAREZ, et al.,

Plaintiffs,

-v-

ATC REALTY FIFTEEN, INC., et al.,

Defendants.

18CV-128 (JPO) (KHP)

HECTOR JORGE ARECO, et al.,

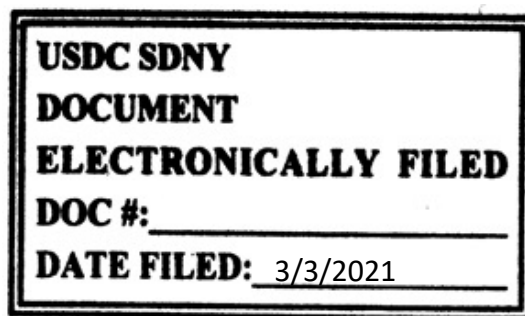
Plaintiffs,

-v-

ATC REALTY FIFTEEN, INC., et al.,

Defendants.

18-CV-2416 (JPO) (KHP)



ORDER

KATHARINE H. PARKER, United States Magistrate Judge:

Consistent with the telephonic conference held in the above-referenced cases on March 2, 2021, the Court directs the parties as follows:

By March 5, 2021, counsel for the Smith Estate shall provide the Court and other parties in this action with an electronic version of the server directory so that the court may view the expanded folder names. Given the number of pages involved, a printed copy is not required. The electronic directory shall be protected by the Protective Order in this case (ECF No. 223). Both the Court and the parties will be better positioned to ascertain which folders contain relevant information to this case after this production.

By March 16, 2021, counsel for the Smith Estate should file a letter on ECF providing additional information about the data on the server maintained by AVS and explaining Smith's authority, if any, over that data at relevant times (*e.g.*, when it was maintained by Lifetrade Management for the Lifetrade Fund, when it was transferred to AVS, and when AVS provided the data to counsel for Smith or other persons/entities). Specifically, and to clarify the Court's questions from yesterday's conference, the letter should answer the following questions:

- When approximately was the Lifetrade Server moved to AVS?
- What was Smith's role in Lifetrade Management at the time the server was moved to AVS and who were the other owners/officers at that time?
- Did Lifetrade Management hold documents as an agent of the Funds?
- What was Smith's role in the Lifetrade Funds at the time the server was moved to AVS and who were the other owners/directors of the Lifetrade Funds at that time?

- What was Smith's role in AVS at the time the server was received by AVS and the time AVS returned data to the Smith Estate's counsel in connection with this suit?
- Were there other directors/owners of AVS at the time the server was received by AVS and the time AVS returned data to the Smith Estate's counsel in connection with this suit and, if so, who were they and when did they serve?
- For what other persons/entities did Lifetrade Management perform services?
- At what point in time did Lifetrade Management cease to have IT staff?
- Who are the present owners/directors/executive management of AVS and when did each such person commence his/her role at AVS?
- Who at AVS, if known, authorized the transfer of data back to counsel for Smith's Estate?

Finally, the parties are directed to meet and confer sometime in the next two weeks to discuss anticipated document production dates and any related issues.

SO ORDERED.

DATED: New York, New York
March 3, 2021



KATHARINE H. PARKER
United States Magistrate Judge